

FOR DISCUSSION ONLY

RESPONSE AFTER FINAL
EXPEDITED PROCEDURE GROUP 3635

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re U.S. Patent Application
Bernard Paul Joseph THIERS

Examiner: Kevin McDermott

Serial Number: 09/805,234

Group Art Unit: 3635

Filed: March 14, 2001

Attorney Docket: THIE3001/JEK

For: FLOOR COVERING

RESPONSE AFTER FINAL REJECTION AND NOTICE OF APPEAL

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

INTRODUCTORY COMMENTS

1. General

This is responsive to the Official Action dated October 30, 2002 finally rejecting claims 8, 9, 17, 18 and 22. Reconsideration of the rejection is requested in view of the amendments and comments submitted herewith.

2. Background

A response to the Official Action of October 30, 2002 was timely filed on April 10, 2003 accompanied by payment for and a petition seeking an extension of time enlarging the time for response up to three months from the date of the action. The record of this application indicates that this response was lost in the Office after it was filed and a duplicate copy of the responsive papers was filed on April 29, 2003 accompanied by a Notice of Appeal. An Appeal Brief in this case if the appeal is

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required, is due June 29, 2003.

By an Advisory Action dated May 6, 2003, entry of the Amendment After Final Rejection was refused on grounds that the proposed amendments raised new issues that would require further consideration and presented additional claims without canceling a corresponding number of finally rejected claims. The Examiner specifically stated in the Advisory Action that claims 23-32 would need to be reviewed for 37 C.F.R. § 112 issues.

Among the amendments proposed after final rejection were certain amendments to the allowable claims, specifically claim 1 and other claims depending from claim 1. The Examiner's Advisory Action does not inform Applicant whether or not the proposed amendments to the allowable claims raised any issues that would require further consideration and/or search. It is respectfully submitted that proposed amendments to the allowed claims do not raise any new substantive issues that would require further consideration and/or search.

This application is presently on appeal and it is desired to place the application fully in condition for allowance to avoid the need to proceed with a full appeal from the Examiner's final rejection. This amendment is submitted in order to resolve all outstanding issues in this application, including the issues mentioned in the Examiner's Advisory Action of May 6, 2003 and to place the application in condition for passing to issue.

It is respectfully submitted that entry of the amendment is appropriate pursuant to 37 C.F.R. § 1.116.

AMENDMENT

The following amendment is proposed under 37 C.F.R. § 1.116 to place the application in condition for allowance.

In the amendments that follow, any amendments to or cancellation of claims is made without prejudice or disclaimer, and applicant reserves all rights to the original disclosed and claimed subject matter contained in this application, and any previously proposed claims.

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The amendments to the claims are presented in the form of a LIST OF CURRENT CLAIMS listing the current status of all claims in the application and showing all amendments made to the claims currently in the application.

J. ERNEST KENNEY
 EUGENE MAR
 RICHARD E. FICHTER
 THOMAS J. MOORE
 JOSEPH DEBENEDICTIS*
 BENJAMIN E. URCIA*
 WONKI PARK*
 JUSTIN J. CASSELL

GEORGE CHUNG CHIN CHEN†
 * BAR OTHER THAN VA.
 † REG. PATENT AGENT

LAW OFFICES
BACON & THOMAS, PLLC
 625 SLATERS LANE - FOURTH FLOOR
 ALEXANDRIA, VIRGINIA 22314-1176
 U.S.A.

TELEPHONE
 (703) 683-0500
 FACSIMILE
 (703) 683-1080
 (703) 683-0884

E-Mail
 mail@baconthomas.com

FACSIMILE COMMUNICATION

To: EXAMINER KEVIN McDERMOTT

Date: JUNE 9, 2003

Fax #: (703) 308-3519

Re: U.S. Patent Application No. 09/805,234

From: J. ERNEST KENNEY

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Thank you, BACON & THOMAS, PLLC.

Message: The attached relates to our interview scheduled for June 11 and is for discussion only.

